ORDER RECEIVED FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Englemeade Road, 700' E of the c/l of Stevenson Road (3408 Englemeade Road)

3rd Election District 3rd Councilmanic District

P. Dennis Belman, et ux Petitioners BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 95-213-A

\*

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 3408 Englemeade Road, located in the vicinity of Stevenson. The Petition was filed by the owners of the property, P. Dennis Belman and his wife, Phyllis Belman. The Petitioners seek relief from Section 1802.3B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 1801.2.C.4 of the 1970 Regulations) to permit a combination side setback of 48.5 feet in lieu of the required 50 feet for a proposed carport enclosure, and to amend the last approved final development plan for Stanton Woods, Lot 6, accordingly. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

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Date

By

of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of January,1995 that the Petition for Administrative Variance seeking relief from Section 1B02.3B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 1B01.2.C.4 of the 1970 Regulations) to permit a combination side setback of 48.5 feet in lieu of the required 50 feet for a proposed carport enclosure, and to amend the last approved final development plan for Stanton Woods, Lot 6,, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

#### Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 10, 1995

Mr. & Mrs. P. Dennis Belman 3408 Englemeade Road Baltimore, Maryland 21208

RE: PETITION FOR ADMINISTRATIVE VARIANCE

N/S Englemeade Road, 700' E of the c/l of Stevenson Road

(3408 Englemeade Road)

3rd Election District - 3rd Councilmanic District

P. Dennis Belman, et ux - Petitioners

Case No. 95-213-A

Dear Mr. & Mrs. Belman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: People's Counsel

File

The state of the s

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ORDER RECEIVED FOR FILING

**ESTIMATED POSTING DATE:** 

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 3408 ENGLEMEADE ROAD, BALTIMORE, MD 21208

which is presently zoned

Johing Commissioner of Baltimore County

R-C-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3B (1B01.2C4, 1970 Regulations) of the Baltimore County Zoning Regulations to allow a combination side setback of 48.5 feet in lieu of the required 50 feet and to amend the last approved final development plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) See attached.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

| •                                                                                                 |                           |                             | legal owner(s) of the property which is                                                | s the subject of this Petition          | dill nine han me nin |
|---------------------------------------------------------------------------------------------------|---------------------------|-----------------------------|----------------------------------------------------------------------------------------|-----------------------------------------|----------------------|
| Contract Purchaser/Lessee:                                                                        |                           |                             | Legal Owner(s):                                                                        |                                         |                      |
| N/A                                                                                               |                           |                             | P. Dennis Belma                                                                        | an,                                     |                      |
| (Type or Print Name)                                                                              |                           |                             | Crype of Print Name                                                                    |                                         | •                    |
| Signature                                                                                         | •                         |                             | Signature                                                                              |                                         |                      |
|                                                                                                   |                           |                             | Phyllis Belman                                                                         | •                                       |                      |
| Address                                                                                           |                           |                             | (Type/g) Print Name) Heylles Bell                                                      | nan                                     |                      |
| City                                                                                              | State                     | Zipcode                     | Signature                                                                              | , , , , , , , , , , , , , , , , , , , , |                      |
| Attorney for Petitioner: N/A                                                                      |                           |                             | 3408 Englemead                                                                         | e Road (410                             | ) 486-7183           |
| (Type or Print Name)                                                                              | 1,000                     |                             | Address                                                                                | P                                       | none No.             |
|                                                                                                   |                           |                             | Baltimore                                                                              | MD                                      | 21208                |
| Signature                                                                                         | <del> </del>              | — <del>—————</del>          | City<br>Name, Address and phone number o                                               | State<br>f representative to be conf    | Zipcode<br>acted.    |
| Address                                                                                           | Phone                     | No.                         | Name                                                                                   |                                         |                      |
| 7                                                                                                 |                           |                             | ·                                                                                      |                                         |                      |
| City                                                                                              | State                     | Zipcode                     | Address                                                                                | Ph                                      | one No.              |
|                                                                                                   |                           |                             | - d by the 1 - de Consolision - d B-title                                              | and County this                         | of 19                |
| A Public Hearing having been<br>that the subject matter of this<br>circulation. Ihroughout Baltim | patition be set for a pub | iic hearing , advertised, c | red by the Loning Commissioner of Baltim<br>is required by the Loning Regulations of B | ollimore County, in two n               | ewspapers of general |

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# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

| That the Affiant(s) does/do presently reside                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                               | e Road                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | address<br>Doll-imoro                                                                                                                                                                                                                                                                                                         | MD                                                                                                                                                                                                                     | 21208                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Baltimore                                                                                                                                                                                                                                                                                                                     | State                                                                                                                                                                                                                  | Zip Code                                                                                                                                                                                                                                                                                            |
| That based upon personal knowledge, the following the purchased 3408 Engles. We purchased 3408 Engles. The house has an open control located 28.5 feet from the west side of the house.  The house is in the Start 1974 under the DR-1 zons. The property was subsequently was subsequently with the property was subsequently to 1802.3 of the DR-1 side setback requires. The combined setbacks of the partial wall and erection and control was a control of the property. Our house is one of only a carage.**  That Affant(s) acknowledge(s) that if a promate the provide additional information. | lowing are the facts upon which or practical difficulty needed. Road, Balticarport on the east the east property is 20 feet. Inton Woods subdive nuently rezoned to the Baltimore Courrements still apprenents for this per the property of a garage door by from the streety two houses in test is filed, Affiant(s) will be | more, Maryland t side of the line. The side of the line. The side of the line. The side of the line was a R.C.5.  The Zoning Regulate to this property are a ctually at a garage of the west side of the neighborhood. | for an Administrative  1 21208 in 1977.  property which is de setback on the s established in  1 alations the old perty.  combined 50 feet. 3 5 feet 7 completing the ide of the structure. The old of the structure. |
| Flyllis Belman  (signsture)  Phyllis Belman  (type of pint name)  STATE OF MARYLAND, COUNTY OF BA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                               | (type or print name)                                                                                                                                                                                                   | 1.5 Recorna)                                                                                                                                                                                                                                                                                        |
| of Maryland, in and for the County aforesaid                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | of DCC EMB SA<br>personally appeared<br>1M AMP                                                                                                                                                                                                                                                                                | P. Downs                                                                                                                                                                                                               | <b>,</b> —                                                                                                                                                                                                                                                                                          |
| the Affiants(s) herein, personally known or s that the matters and facts hereinabove set fo                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | atisfactorily identified to me a<br>rth are true and correct to the                                                                                                                                                                                                                                                           | s such Affiantt(s), and me<br>best of his/her/their kno                                                                                                                                                                | wledge and belief.                                                                                                                                                                                                                                                                                  |
| AS WITNESS my hand and Notarial Seal.  DECEMBEL 14, 1994  date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | NOTARY PU                                                                                                                                                                                                                                                                                                                     | All Con                                                                                                                                                                                                                | Supiel<br>NBOR 1,1998                                                                                                                                                                                                                                                                               |
| BATTIMURS COUNTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | My Commiss                                                                                                                                                                                                                                                                                                                    | ion expires:                                                                                                                                                                                                           | MICROFILÍVIE                                                                                                                                                                                                                                                                                        |

\*\*10. There have been three attempts over the last two and one-half years to steal our cars. Two of these attempts were successful.

2/4 95-213-A

## STATEMENT OF JUSTIFICATION IN SUPPORT OF REQUEST FOR VARIANCE

We hereby request a variance from Section 1B02.3B (1B01.2C4, 1970 Regs.) of the Zoning Regulations of Baltimore County, Maryland ("BCZR") to allow us to enclose an existing carport to create a garage.

We purchased our property, 3408 Englemeade Road, Baltimore, Maryland in 1977, and have resided there since that time. When the subdivision plat which created our lot was recorded, the property was zoned DR-1 which zone requires a combined side yard setback of This setback applied to garages, but not carports. property was subsequently rezoned to the R.C.5 (Rural Residential) The carport was built in conjunction with the house and is located 28.52 feet from the east property line. The north and south sides of the carport are full walls, while the east side of the carport is a partial wall and the west side is open to allow access to the carport. We are seeking a variance to enclose the carport by completing the east wall and installing a garage door on the west side of the carport. The work required to complete this It should be noted that the south side of the task is minimal. carport, which is already a full wall, faces Englemeade Road. Thus, the appearance of the house from the street will remain the same.

Our desire to enclose the carport was prompted by three attempts to steal our cars over the course of the last two and 1/2 years. Unfortunately, two of the attempts were successful. As we are one of only two houses in the neighborhood that do not have a garage, and the other house is located at the far western boundary

95-213-A

of the subdivision, we are a prime target for such activities. We believe it is in the best interest of our safety and welfare to enclose the carport so that we will not continue to be the target of such crime. As we are seeking to enclose an existing structure rather than erecting a new structure, the variance requested is the minimum necessary to afford relief in this situation.

According to Section 1B01.1 (A)(14)(i) of the BCZR, garages are permitted as of right in the DR-1 zone subject to the provisions of Section 400 of the BCZR. Since the proposed garage will have one wall in common with the house, it is subject to the setback requirements applicable to the house. Section 1802.38 (1B01.2C4, 1970 Regs.) of the BCZR requires that principal structures have a combined side yard setback of 50 feet from the side lot lines. The carport which we wish to enclose is 28.5 feet from the east property line. The west side yard setback for this property is 20 feet. The current combined side yard setback for the property is 48.5. Since the structure is already existing, strict compliance with the BCZR would be impossible in this case and would result in undue hardship and practical difficulty to us. We find ourselves in this situation, not due to any actions of our own. As set forth above, due to the location of our property in an existing subdivision, the difficulties are peculiar to our property.

Further, given that we are only one of two properties out of 17 properties in the neighborhood without a garage, it is clear that garages are appropriate in the area and that the granting of the variance will not result in development inconsistent therewith,

, if the garage all be a benefit from the area.

an increase in nor would it be regulations.

or be detrimental to the public welfare. In fact, if the garage acts as a deterrent to potential car thieves, it will be a benefit to the neighborhood by detracting those persons from the area.

To grant the variance will not result in an increase in residential density beyond that allowed by the BCZR nor would it be in contravention of the spirit and intent of the regulations.

We therefore, request that the variance be granted.

Respectfully submitted,

Phyllis Belman

P. Dennis Belman

30tx5227.pcn

12.



214

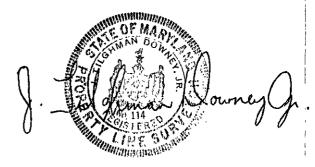
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21286
(410) 828-9060

95-213-F

NOVEMBER 25, 1994

ZONING DESCRIPTION FOR NO. 3408 ENGLEMEADE ROAD
ELECTION DISTRICT 3 COUNCILMANIC DISTRICT NO. 2

BEGINNING AT A POINT ON THE NORTH SIDE OF ENGLEMEADE ROAD, WHICH IS 50 FEET WIDE AT A DISTANCE OF 700 FEET, MORE OR LESS, EAST OF THE CENTERLINE OF STEVENSON ROAD WHICH IS 60 FEET WIDE. BEING LOT #6, PLAT NO. 2 IN THE SUBDIVISION OF "STANTON WOODS" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK E.H.K. JR. NO. 37, FOLIO 145, CONTAINING 37,549 SQUARE FEET OR 0.862 of AN ACRE, MORE OR LESS.



MICROFILMED

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-213-A Tower, Maryland

| Posted for:                           | Date of Posting 12/13/94                |
|---------------------------------------|-----------------------------------------|
| Posted for: Vaylaxee                  | **************************************  |
| Petitioner: P. Demais Belman & B      | Cyllis bel-40x                          |
| Location of property: 3408 Englermend | & Ads, M/S                              |
| Location of Signs: Faciniq Youdway, o | mproperty being rund                    |
| Remarks:                              | *************************************** |
| Posted by MISSerly Signature          | Date of return: 12/30/94                |
| Number of Signs:                      | 我可能的是 <b>你是我们要</b> 那样,我就可是是             |



Ballimore Censiv **Zoning Administration & Development Management** 

111 West Chesupeuke Avenue Tov sou, Maryland 21204

Account: R-001-6150

Date 12/15/94

1 RV (010) \$ 50.00

1 AMEND FOR (030) \$ 50.00

1 S16N POSTING (080) 35.00 TOTAL \$ 135.00

1969 | 1913 - A

BELMAN 3408 Englemeade Rd.

03A03#0241MICHRC

\$135.00

BA\_CQ10:10AM12-15-94 Please Make Checks Payable To: Baltimore Count



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

| For newspaper advertising:                         |
|----------------------------------------------------|
| Ttem No.:                                          |
| Petitioner: Phyllis Belman                         |
| Petitioner: 1 A A A A A A A A A A A A A A A A A A  |
| Location: 3408 Engleneade Road Beltimore, MD 2120  |
| PLEASE FORWARD ADVERTISING BILL TO:                |
| NAME: Phyllis Belman                               |
| NAME: Phyllis Belman ADDRESS: 3408 Englemeade Road |
| Baltimore, MD 21208                                |
| PHONE NUMBER: (410) 486 7183                       |
|                                                    |

AJ:qqs

(Revised 04/09/93)

(\$\frac{1}{2}\)

Printed on Rocycled Paner

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

DECEMBER 22, 1994

(410) 887-3353

#### NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-213-A (Item 214)
3408 Englemeade Road
N/S Englemeade Road, 700' E of c/l Stevenson Road
3rd Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before December 25, 1994. The closing date (January 9, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

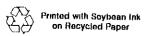
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Director

cc: P. Dennis Belman and Phyllis Belman





#### Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

January 12, 1995

Mr. and Mrs. P. Dennis Belman 3408 Englemeade Road Baltimore, Maryland 21208

RE: Item No.: 214

Case No.: 95-213A

Petitioner: P. D. Belman, et ux

Dear Mr. and Mrs. Belman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 15, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

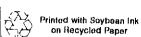
W. Con Richard

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw Attachment(s)

MICROFILMED



## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 4, 1995 Zoning Administration and Development Management

FROM Developers Engineering Section

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

#### Baltimore County Government Fire Department



20

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 12/22/04

Armole Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Eurlding
Towson, MD 21204
MAIL STOF-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 27, 1994,

Item No.: SEE BELOW

Zoning Agenda:

#### Sentlemen:

Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

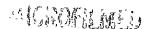
8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 208, 209, 210, 211, 212, 215 OND 216.



**ZADM** 

REVIEWER: LT. RUBERT P. BAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1108F

cc: File





#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 21, 1994

Zoning Administration and Development Management

FROM:

Pat Keller, Director

Office of Planning and Zoning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 207, 209, 210, 212, (214,) and 215

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL

The state of the s



O. James Lighthizer Secretary Hal Kassoff Administrator

12-27-94Baltimore County
Item No.: 4214 (5LL)

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204 ATTN: M5. JOYCE WATSOM

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Re:

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bob Snall

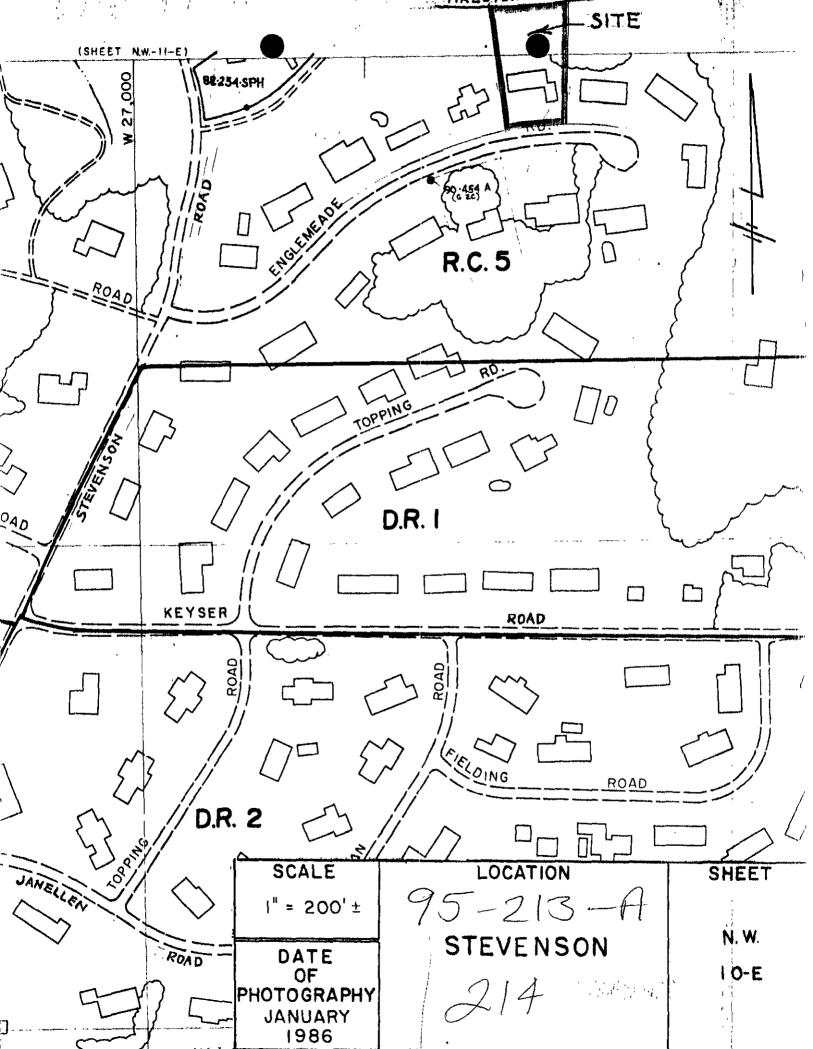
Ronald Burns, Chief Engineering Access Permits

BS/

MCROFILMED

My telephone number is .

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free





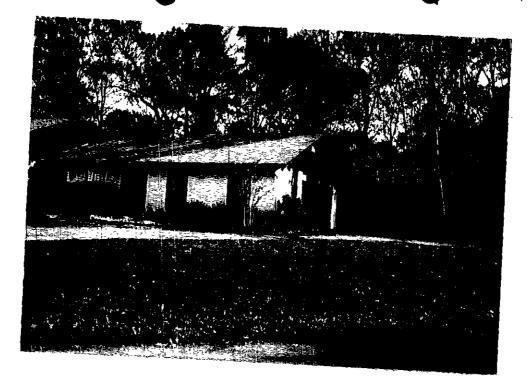
Subject property- veich wall of existing comport



Subject property from side views



Subject Property



3402 Eaglemende (1)



11



3405 Englemende Pd.



3466 Englemeade Rd.



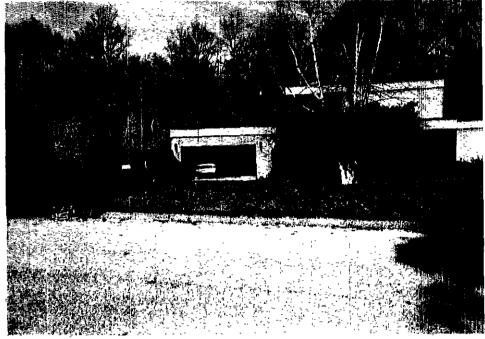
3407 Englemeade Rd.



3409 Englemiode Pd.



3411 Englemeado Road



13410 Englemande Road



3412 Englemeade Road

## 95-213-A



3413 Englemeade Pood



3414 Englemanda Road



2415 Englemeade Coad



3417 Englemesde Road



3416 Englemeada Road



3418 Englemeade Rd. Only other house on street without garage



Sulfact property 3408 and 3406 Englamoodo Road



Property (3408) and 3406 Englemeade Koad

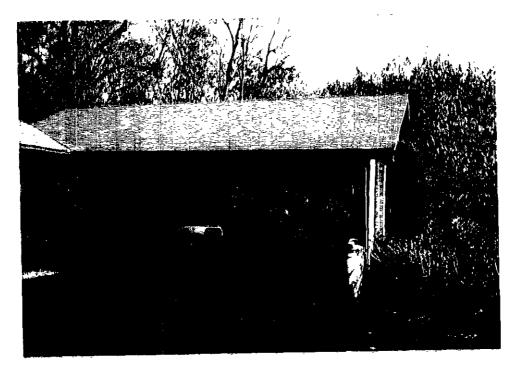


Front rew between 3410 and subject (3408)

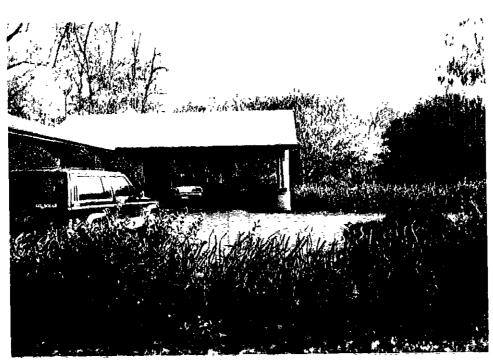
# 75-213-A



Side reconstruction Subject Carproperty's carport taken home rear of house.



publish



Dubjett proporty from draway view.

Maring Reserved



rear mew between suffects property (3408) and 3410 Englomeado Pd.



Dulject Proporty 3408 Englemeade Road.



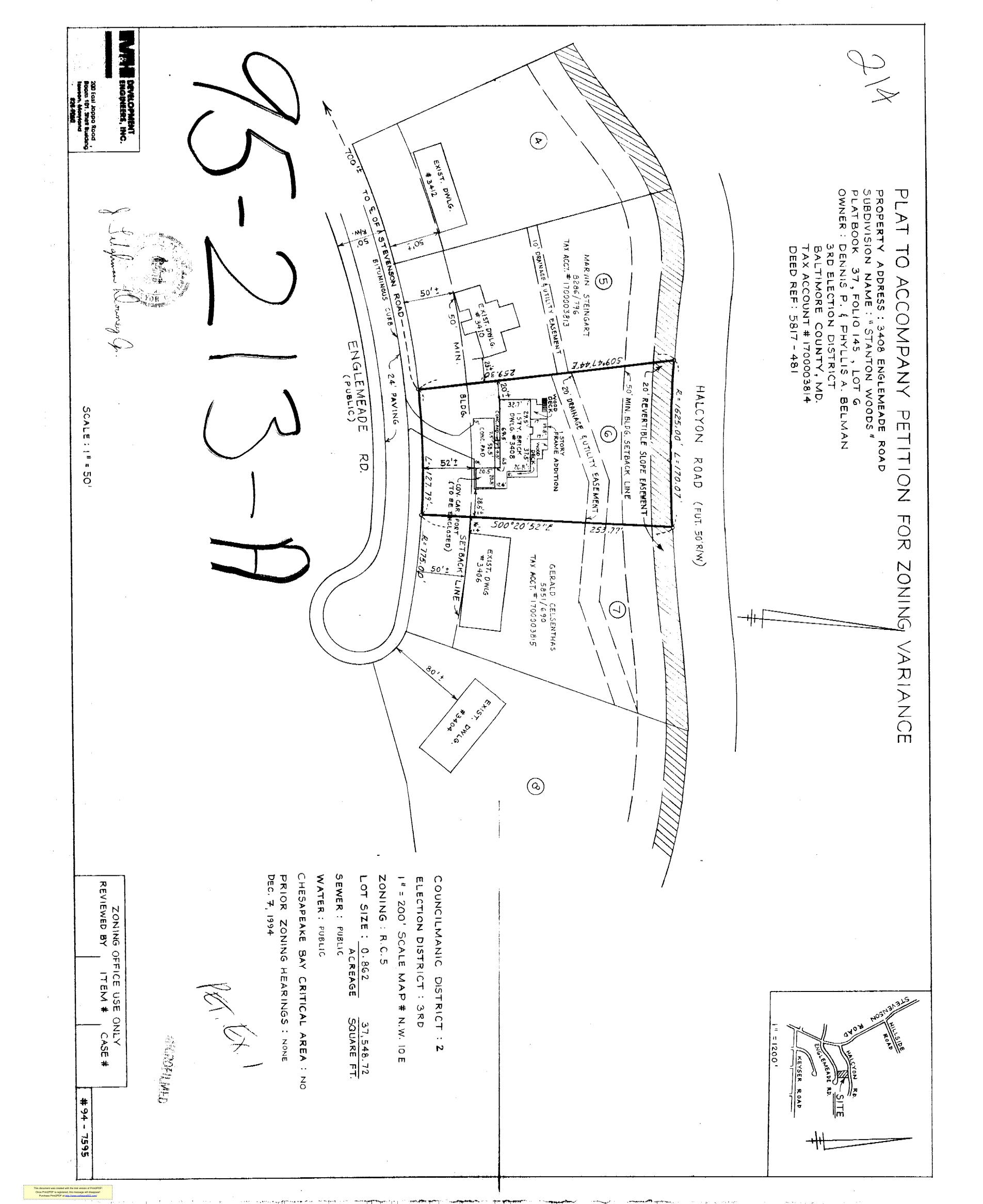
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

LOCATION

EVENSON

MICROFILMED

PREPARED BY AIR PHOTOGI MARTINSBURG, W.V. 25401



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### FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 3408 Englemeade Road, located in the vicinity of Stevenson. The Petition was filed by the owners of the property, P. Dennis Belman and his wife, Phyllis Belman. The Petitioners seek relief from Section 1B02.3B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 1B01.2.C.4 of the 1970 Regulations) to permit a combination side setback of 48.5 feet in lieu of the required 50 feet for a proposed carport enclosure, and to amend the last approved final development plan for Stanton Woods, Lot 6, accordingly. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this / day of January, 1995 that the Petition for Administrative Variance seeking relief from Section 1802.3B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 1801.2.C.4 of the 1970 Regulations) to permit a combination side setback of 48.5 feet in lieu of the required 50 feet for a proposed carport enclosure, and to amend the last approved final development plan for Stanton Woods, Lot 6,, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs

Zoning Commissioner for Baltimore County **Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 10, 1995

Mr. & Mrs. P. Dennis Belman 3408 Englemeade Road Baltimore, Maryland 21208

Case No. 95-213-A

RE: PETITION FOR ADMINISTRATIVE VARIANCE N/S Englemeade Road, 700' E of the c/l of Stevenson Road (3408 Englemeade Road) 3rd Election District - 3rd Councilmanic District P. Dennis Belman, et ux - Petitioners

Dear Mr. & Mrs. Belman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, Theme & Shittelt LAWRENCE E. SCHMIDT Zoning Commissioner

> > for Baltimore County

cc: People's Counsel

LES:bjs

Printed with Soybean Ink on Recycled Paper

to the Zoning Commissioner of Baltimore County for the property located at 3408 ENGLEMEADE ROAD, BALTIMORE, MD 21208 which is presently zoned R-C-5

Petition for Administrative Variance

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3B (1B01.2C4, 1970 Regulations) of the Baltimore County Zoning Regulations to allow a combination side setback of 48.5 feet in lieu of the required 50 feet and to amend the last approved final development plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) See attached.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

|         | ract Purchaser/Lessee:                |           |              | Legal Owner(s):                                  |                                       |               |
|---------|---------------------------------------|-----------|--------------|--------------------------------------------------|---------------------------------------|---------------|
|         | I/A                                   |           |              | P. Dennis Belman                                 |                                       |               |
| (Туре   | or Print Name)                        |           |              | Office of Print Name)                            |                                       |               |
| Signs   | ature                                 |           |              | Signature                                        |                                       |               |
| Addn    |                                       |           |              | Phyllis Belman                                   | ·                                     | <del></del>   |
|         | G33                                   |           |              | Thyllis Belma                                    | er                                    |               |
| City    |                                       | State     | Z-pcode      | Signature                                        | •                                     |               |
|         | ney for Petinoner                     |           |              |                                                  |                                       |               |
| N/      |                                       |           |              | 3408 Englemeade F                                | Road (410)                            | 486-7183      |
| i (Type | or Print Name)                        |           | <del></del>  | Agdress                                          | Phone                                 | No.           |
| İİ      |                                       |           |              | Raltimore                                        | MD                                    | 21208         |
| Sign    | ature                                 |           | <del>"</del> | City<br>Name, Address and phone number of repre- | State<br>reantable to be contacte     | Zipcode<br>1. |
|         |                                       |           |              |                                                  | · · · · · · · · · · · · · · · · · · · | <del></del>   |
| 742     | <b>253</b>                            | Phone No. |              | Name                                             |                                       |               |
| ZIN CON | · · · · · · · · · · · · · · · · · · · | State     | Zipcode      | Address                                          | Phone                                 | Vio.          |

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3408 Englemeade Road

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: Andicate hardship or practical difficulty, 1. We purchased 3408 Englemeade Road, Baltimore, Maryland 21208 in 1977. 2. The house has an open carport on the east side of the property which is located 28.5 feet from the east property line. The side setback on the west side of the house is 20 fee 3. The house is in the Stanton Woods subdivision which was established in 1974 under the DR-1 zone

4. The property was subsequently rezoned to R.C.5. 5. Pursuant to 1802.3 of the Baltimore County Zoning Regulations the old DR-1 side setback requirements still apply to this property. 6. The side setback requirements for this property are a combined 50 feet. partial wall and erecting a garage door on the west side of the structure.

8. The view of the property from the street will not change. 2. Our house is one of only two houses in the neighborhood that does not have a garage. \*\*
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Scal. DECEMBER 14, 1994 My Commission Expires: O'CTUBER 1, 1993

\*\*10. There have been three attempts over the last two and one-half years to steal our cars. Two of these attempts were successful.

95-213-A

STATEMENT OF JUSTIFICATION IN SUPPORT OF REQUEST FOR VARIANCE

We hereby request a variance from Section 1B02.3B (1B01.2C4, 1970 Regs.) of the Zoning Regulations of Baltimore County, Maryland ("BCZR") to allow us to enclose an existing carport to create a

We purchased our property, 3408 Englemeade Road, Baltimore, Maryland in 1977, and have resided there since that time. When the subdivision plat which created our lot was recorded, the property was zoned DR-1 which zone requires a combined side yard setback of This setback applied to garages, but not carports. The property was subsequently rezoned to the R.C.5 (Rural Residential) The carport was built in conjunction with the house and is located 28.52 feet from the east property line. The north and south sides of the carport are full walls, while the east side of the carport is a partial wall and the west side is open to allow access to the carport. We are seeking a variance to enclose the carport by completing the east wall and installing a garage door on the west side of the carport. The work required to complete this task is minimal. It should be noted that the south side of the carport, which is already a full wall, faces Englemeade Road. Thus, the appearance of the house from the street will remain the

Our desire to enclose the carport was prompted by three attempts to steal our cars over the course of the last two and 1/2 years. Unfortunately, two of the attempts were successful. As we are one of only two houses in the neighborhood that do not have a garage, and the other house is located at the far western boundary

of the subdivision, we are a prime target for such activities. believe it is in the best interest of our safety and welfare to enclose the carport so that we will not continue to be the target of such crime. As we are seeking to enclose an existing structure rather than erecting a new structure, the variance requested is the minimum necessary to afford relief in this situation.

According to Section 1B01.1 (A) (14) (i) of the BCZR, garages are permitted as of right in the DR-1 zone subject to the provisions of Section 400 of the BCZR. Since the proposed garage will have one wall in common with the house, it is subject to the setback requirements applicable to the house. Section 1B02.3B (1B01.2C4, 1970 Regs.) of the BCZR requires that principal structures have a combined side yard setback of 50 feet from the side lot lines. The carport which we wish to enclose is 28.5 feet from the east property line. The west side yard setback for this property is 20 feet. The current combined side yard setback for the property is 48.5. Since the structure is already existing, strict compliance with the BCZR would be impossible in this case and would result in undue hardship and practical difficulty to us. We find ourselves in this situation, not due to any actions of our own. As set forth above, due to the location of our property in an existing subdivision, the difficulties are peculiar to our

Further, given that we are only one of two properties out of 17 properties in the neighborhood without a garage, it is clear that garages are appropriate in the area and that the granting of the variance will not result in development inconsistent therewith, or be detrimental to the public welfare. In fact, if the garage acts as a deterrent to potential car thieves, it will be a benefit to the neighborhood by detracting those persons from the area.

To grant the variance will not result in an increase in residential density beyond that allowed by the BCZR nor would it be in contravention of the spirit and intent of the regulations.

We therefore, request that the variance be granted. Respectfully submitted,

| Phyllis Belman   |                                         |
|------------------|-----------------------------------------|
| Phyllis Belman   |                                         |
|                  | ·                                       |
|                  |                                         |
| P. Dennis Belman | *************************************** |

30tx5227.pcn



200 East Joppa Road Room 101, Shell Building Towson, Maryland 21286 (410) 828-9060 95-213-A NOVEMBER 25, 1994

ZONING DESCRIPTION FOR NO. 3408 ENGLEMEADE ROAD ELECTION DISTRICT 3 COUNCILMANIC DISTRICT NO. 2

BEGINNING AT A POINT ON THE NORTH SIDE OF ENGLEMEADE ROAD, WHICH IS 50 FEET WIDE AT A DISTANCE OF 700 FEET, MORE OR LESS, EAST OF THE CENTERLINE OF STEVENSON ROAD WHICH IS 60 FEET WIDE. BEING LOT #6, PLAT NO. 2 IN THE SUBDIVISION OF "STANTON WOODS" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK E.H.K. JR. NO. 37, FOLIO 145, CONTAINING 37,549 SQUARE FEET OR 0.862 of AN ACRE, MORE OR LESS.



# CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

| Vir Bol-MEX              |
|--------------------------|
| Pd., N/s                 |
| property being roned     |
|                          |
| Date of return: 12/30/94 |
| £ .                      |

|              | Bultimore County  Zoning Administration &  Development Management |                   | <b>recei</b> ț |
|--------------|-------------------------------------------------------------------|-------------------|----------------|
|              | 111 Most Chesapouke Avenue<br>Tov son, Maryland 21204             | Account: R-001-61 |                |
| Date 12/1    | 15-194                                                            | Number 2/2        | 4              |
| / RV         | (010) \$ 50                                                       | 0.00              |                |
| AMEU<br>(CD: | 10 FOP (030) \$ 50                                                | 0.00              |                |
| 1 516        | v POSTING (080) 35                                                | .00               |                |
|              | V POSTING (080) 35                                                | 7.00              |                |
| BELMAI       |                                                                   |                   |                |
| 3408         | Englemeade Rd.                                                    | 03A03#0241HICHRC  | \$ : 35 nn     |

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising: ----Petitioner: Phyllis Belman Location: 3408 Enderreade Cond Baltimore, MD 21208 PLEASE FORWARD ADVERTISING BILL TO: NAME: Phyllis Reman ADDRESS: 1408 Er Hemeade Root Baltimore, MD 21208 PHONE NUMBER: (410) 486 7183

111 West Chesapeake Avenue

Towson, MID 21204

(Revised 04/09/93)

**Baltimore County Government** Office of Zoning Administration and Development Management



Towson, MD 21204 DECEMBER 22, 1994

111 West Chesapeake Avenue

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-213-1 (Item 214) 3408 Englemeads Road

N/S Englemeade Road, 700' E of c/l Stevenson Road 3rd Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before December 25, 1994. The closing date (January 9, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional

information, please contact Jeffrey Long in the Office of Planning at 887-3480.

DATE: December 21, 1994

cc: P. Dennis Belman and Phyllis Belman

Arnold Jablon, Director

FROM: Pat Keller, Director

Zoning Administration and Development Management

Item Nos. 207, 209, 210, 212, (214,) and 215

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

Printed with Soybean link

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

January 12, 1995

Mr. and Mrs. P. Dennis Belman 3408 Englemeade Road Baltimore, Maryland 21208

> RE: Item No.: 214 Case No.: 95-213A Petitioner: P. D. Belman, et ux

Dear Mr. and Mrs. Belman:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 15, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, . petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Attachment(s)

Zoning Supervisor

BALTIMORE COUNTY. MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 4, 1995 Zoning Administration and Development Management

FROM Developers Engineering Section

RE: Zoning Advisory Committee Meeting for January 3, 1995 Items 173 (Case #94-176 SPH), 209, 210, 211, 212, 213, and 214

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 12/22/14

Armele Jabien Director Redino Augunistration and Davelophant Manadamaut - ສິສໃຊ້ເຄືອດສະ ພົດຍຸກຄຸນ ພາກີເວດ ອົນເປີ**ສິເກດ** Towson, MD 21204 HAIL STOF-1105

RE: Property Dwns: SEE BELDS

LECATION: DISTRIBUTION HEETING OF DEC. 27, 1974.

Item No.: SEE BELOW

Zoning Agenda:

Santleman:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to Desconnected or incomponated into the final plans for the property.

3. The Fire Marchal's Office has no connents at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 208, 209, 210, 211,



**ZADM** 

REVIEWER: LT. RUBERT P. SAUERWALD Fire Marshal Office, SPONE 827-4881, MS-1108F

ITEM207/PZONE/TXTJWL



O. James Lighthizer Hal Kassoff Administrator

12-27-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: M6. JOYCE WATSOM
Dear Ms. Winiarski: Re: Baltimore County
Item No.: 4214 (JLL)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

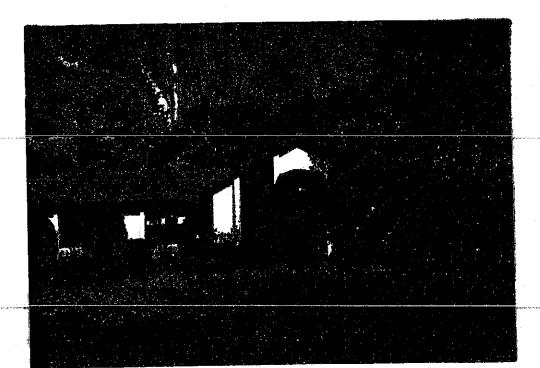
Please contact Bob Small at 410-333-1350 if you have any questions.

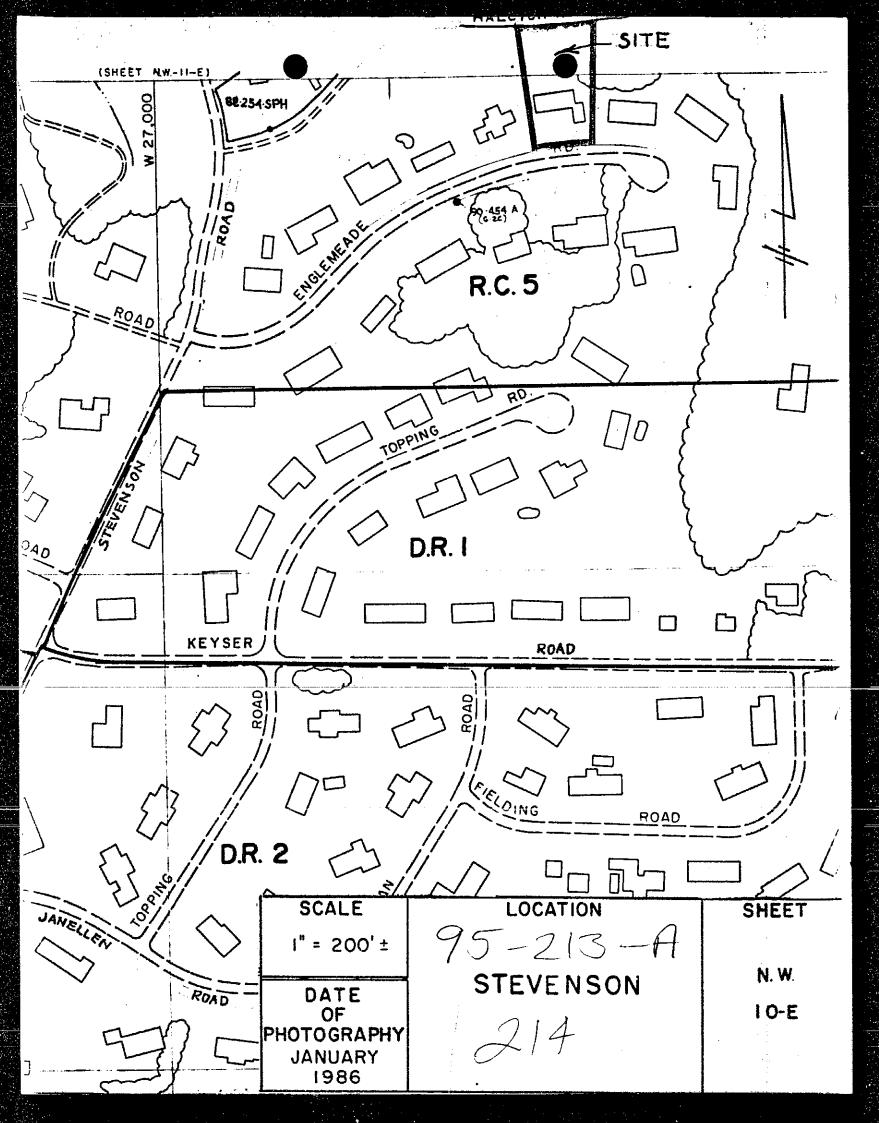
Thank you for the opportunity to review this item.

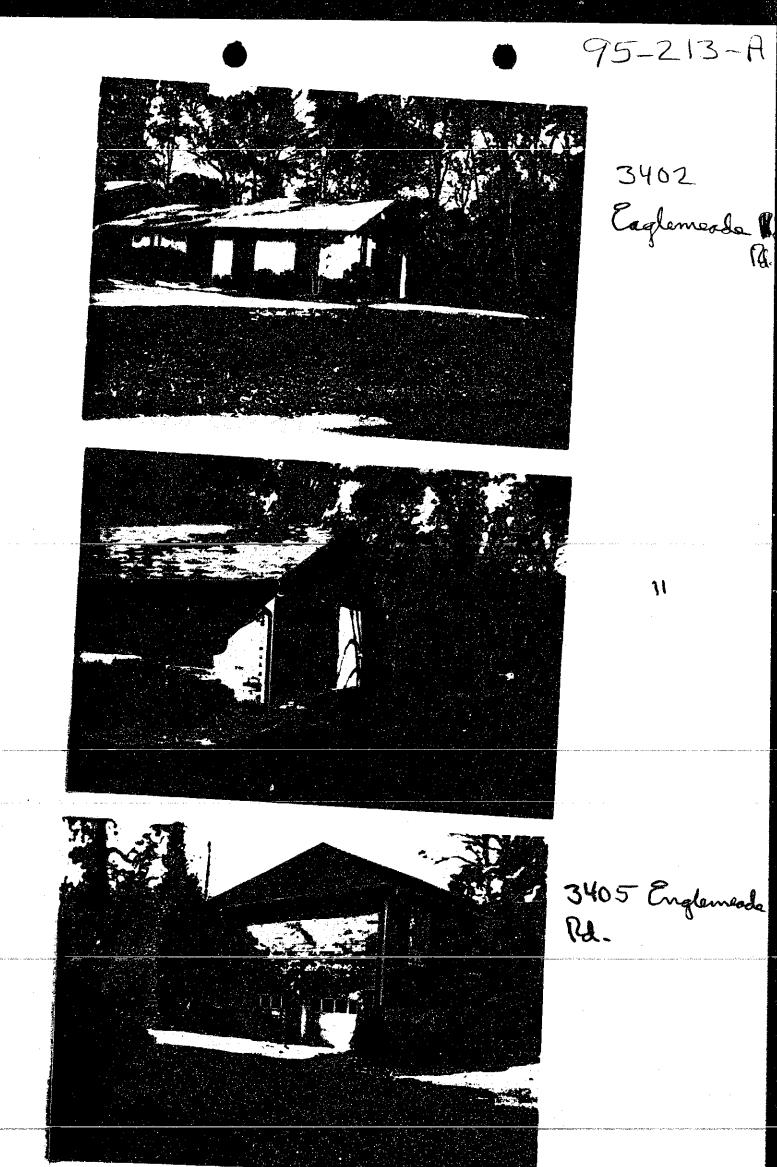
Ronald Burns, Chief
Engineering Access Permits
Division

My telephone number is \_\_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

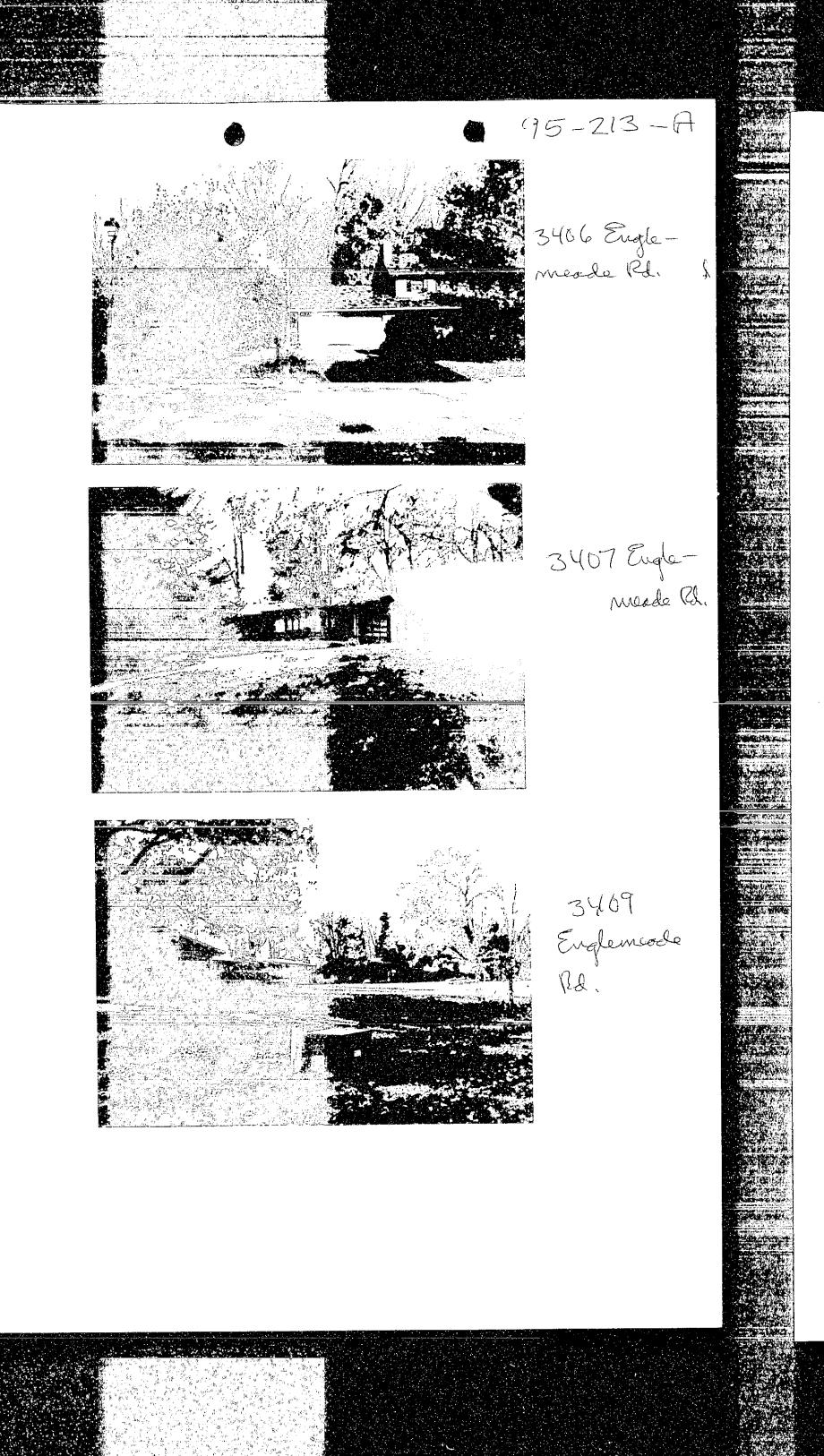


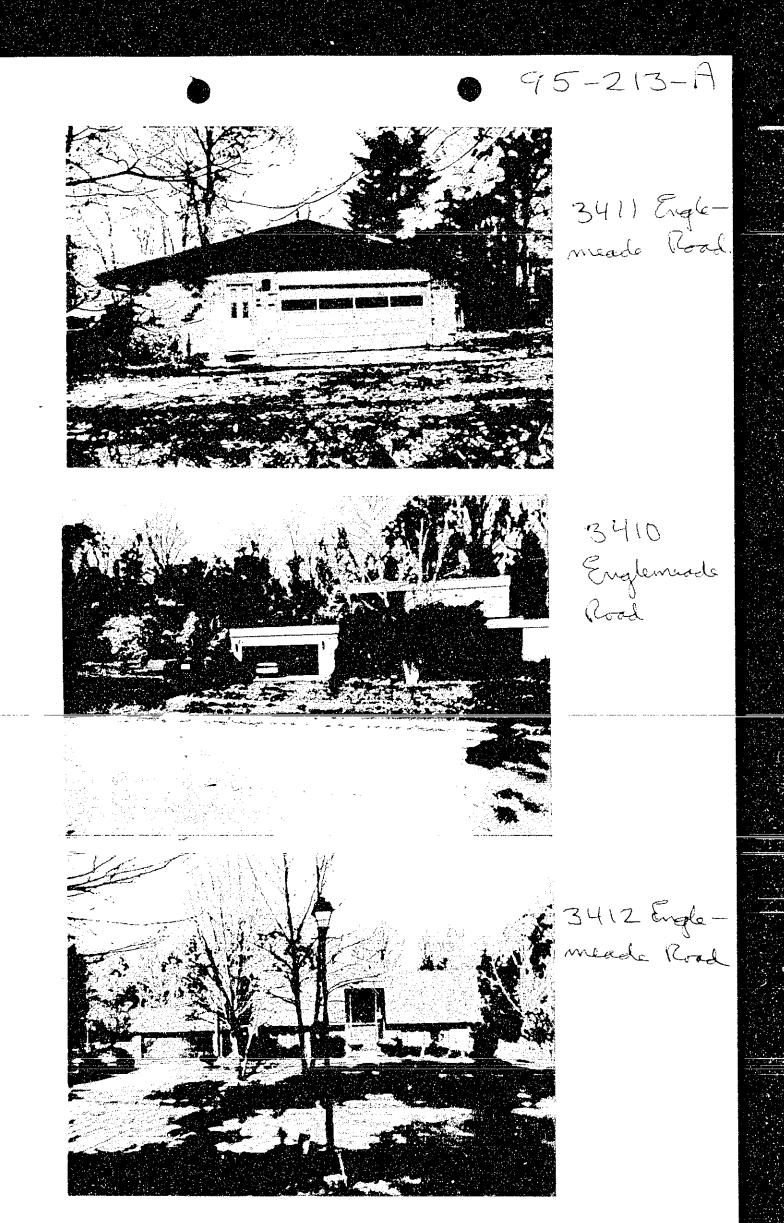


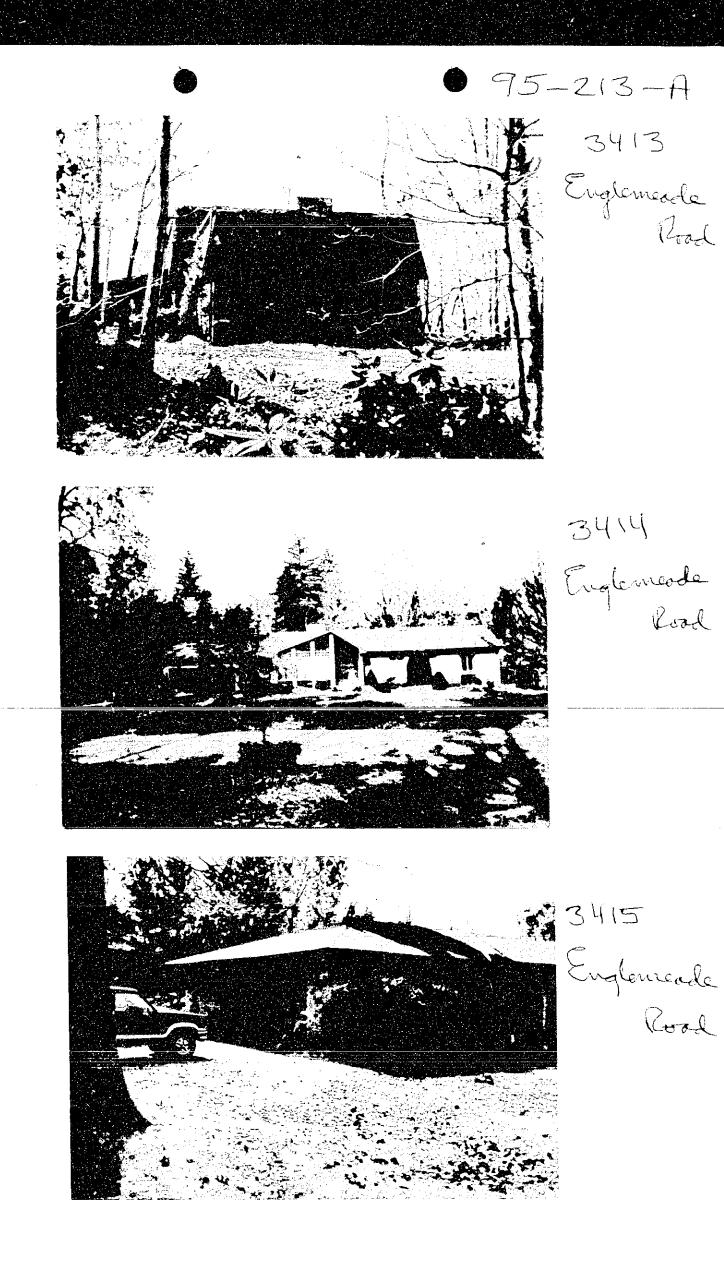




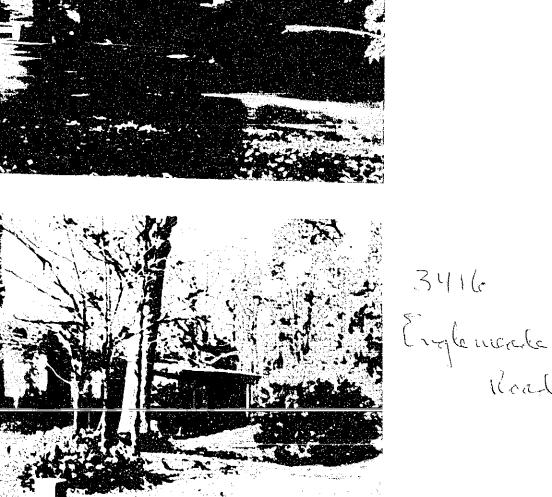


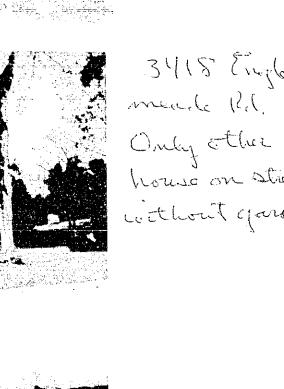




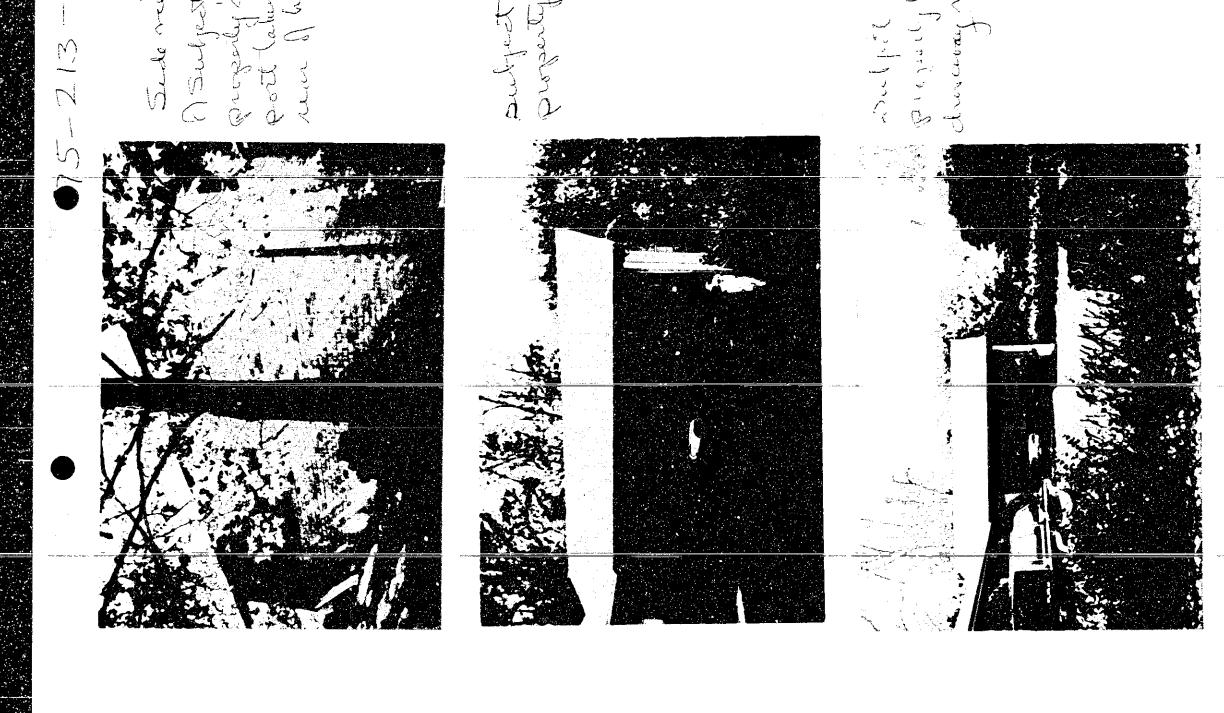


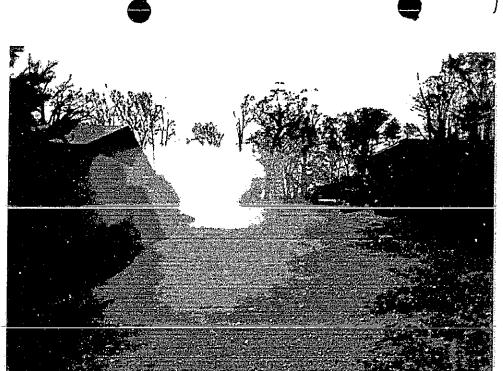








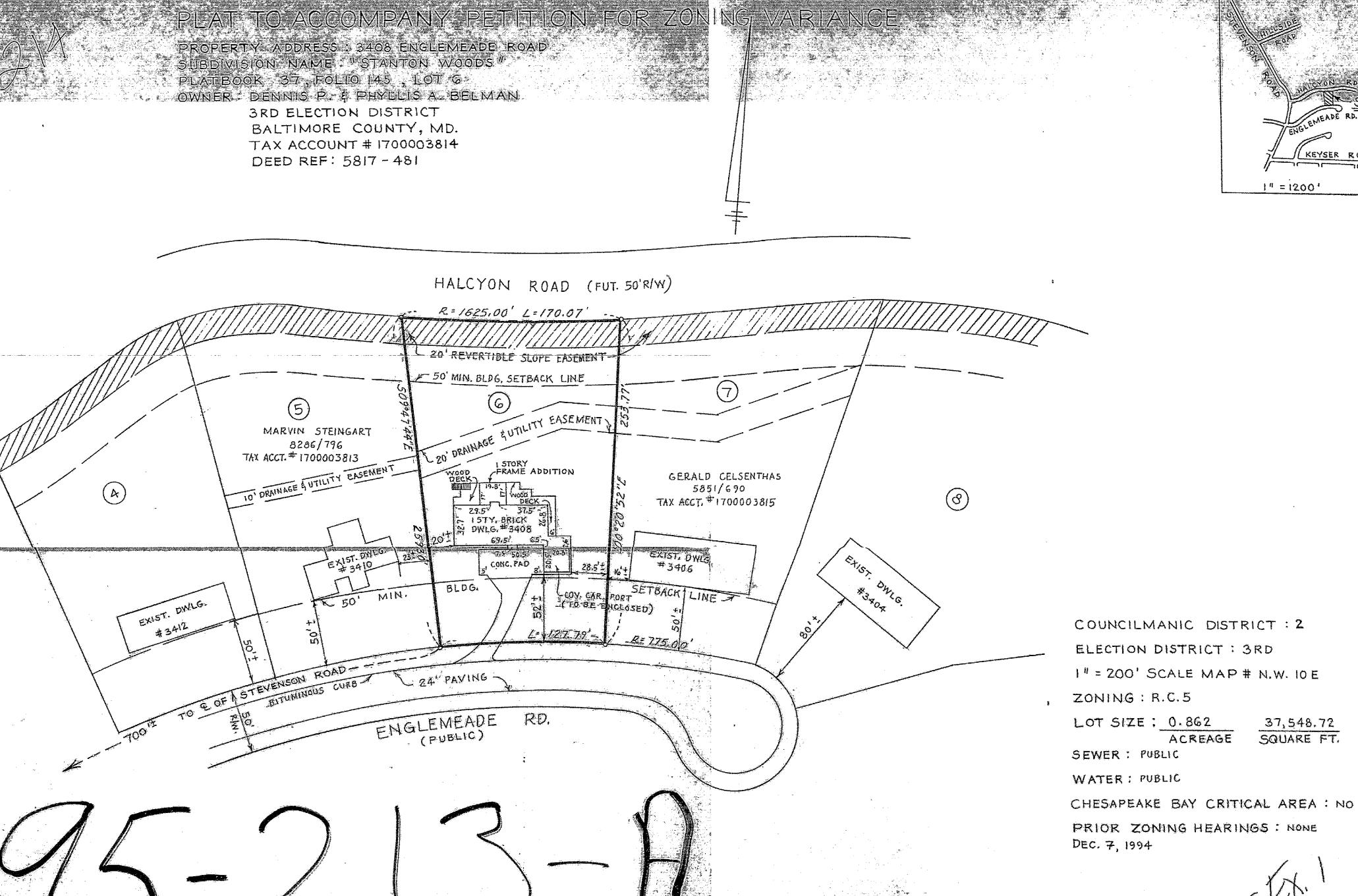




retween Duffeet Property (3408) and 3410 Engle meado Pd.



proporty 3408 Engle-meade Road.



200 Fast Joppa Road Poom 101, Shell Building Towson, Maryland 828-9060



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

PHOTOGRAPHY JANUARY 1986

STEVENSON

PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401